IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 31598 of 2007(J)

CC.563/2007 of J.M.F.C.,KOLENCHERRY
.....

PETITIONER:

IBRAHIMKUTTY, AGED 42 YEARS,
S/O.PAREEDKUNJU, PATTAMAVOODI HOUSE,
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENT:

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

R.BASANT, J

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W.P.(C). No.31598 Of 2007

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Dated this the 24th day of October, 2007

JUDGMENT

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under section 304A IPC. Final report has been filed. The plea has been recorded. The matter has been posted for further steps. According to the petitioner he is absolutely innocent. The petitioner works as a driver in Saudi Arabia. His visa expires on 15th December, 2007. He has to return to Saudi Arabia on or before that day. The petitioner apprehends that the trial may not be completed by that date. In these circumstances, it is prayed that appropriate directions may be issued.

2. What are the appropriate directions? This court can direct the learned Magistrate to dispose of the case before 15.12.07. The petitioner has to make an application for expeditious disposal of the case before the learned Magistrate. That has not been done. In the alternative, the petitioner can request the learned Magistrate not to insist on his personal appearance until he is able to be back in India in the next leave. The petitioner has not made such request also before the learned Magistrate. I have no reason to assume that the learned Magistrate will not consider the request of the petitioner. For such

arrangement regarding the disposal, the petitioner has to file appropriate application before the learned Magistrate. I expect the learned Magistrate to consider such application with compassion and issue appropriate directions.

This Writ Petition is accordingly dismissed, with the above observations.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE